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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,155	08/04/2006	Hirokazu So	P30050	2850
52123 7590 08/17/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER BIRKHIMER, CHRISTOPHER D				
ART UNIT		PAPER NUMBER		
2186				
NOTIFICATION DATE		DELIVERY MODE		
08/17/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
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# Office Action Summary

**Application No.**

10/596,155

**Applicant(s)**

SO ET AL.

**Examiner**

CHRISTOPHER D. BIRKHIMER

**Art Unit**

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

The current Office Action is in response to the Request for Continued Examination submitted 08/03/2009. The Examiner acknowledges the amendments to claims 1, 3, 6, and 9 along with the cancellation of claim 4, 8, and 10 - 13. Claims 1 - 3, 5 - 7, and 9 are pending in the case.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 - 3, 5 - 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art hereinafter known as AAPA in view of Wells et al. (Pat 5,535,369) in view of Stoppani, JR. (Pat 5,287,500).

With regard to **claim 1**, AAPA teaches a method for recording data [Specification, Page 1, Lines 15 - 19] to a free area of a recording area

**[Specification, Page 1, Lines 15 – 19, This shows a media for recording different kinds of data. It is implied that the area the data is recorded is free or else the data could not be recorded]** of an information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]**, the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]** having the recording area for storing data which is managed by a file system **[Specification, Page 1, Line 33; Specification, Page 2, Line 2]**, wherein

the recording area of the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]** is managed in units of blocks **[Specification, Page 2, Lines 8 – 9]**, and each block includes at least two clusters as units for storing data for the file system **[Specification, Page 2, Lines 14 – 18, This shows the blocks memory is divided into a number of clusters that are between 1 - N where N is an integer. The limitation of two clusters is included in the range of 1 - N clusters since two is an integer]**.

However, AAPA does not specifically disclose the limitation of searching the blocks for a valid block, the valid block having at least a predetermined threshold number of unused clusters, determining the valid block from the searched blocks, and writing the data in the determined valid block prior to writing the data in the searched blocks having less than the predetermined threshold number of unused memory and acquiring information about the predetermined threshold number from the information recording medium memory.

Wells discloses the limitation of searching the blocks for a valid block, the valid block having at least a predetermined threshold of unused memory [**Column 15, Lines 48 – 60, This shows searching for a block with enough free**], determining the valid block from the searched blocks, and writing the data in the determined valid block prior to writing the data in the searched blocks having less then the predetermined threshold number of unused memory [**Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the process of storing data in a block that has enough memory before storing it in a block that does not have enough free memory**].

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Wells in AAPA, because it increases data coherency [**Column 35, Lines 60 - 67; Column 36, Lines 1 - 4**].

However, AAPA in view of Wells does not specifically disclose the limitation of a number of unused clusters and acquiring information about the predetermined threshold number from the information recording medium memory.

Stoppani discloses a number of unused clusters [**Column 6, Lines 25 – 43**] and acquiring information about the predetermined threshold number from the information recording medium memory [**Column 6, Lines 25 – 43, The information about the predetermined threshold number is the information that indicates the predetermined threshold number of unused clusters is free in the memory and this is acquired from the memory with the use of a count or flag that indicates how many unused clusters there is or that the predetermined threshold value of unused clusters is present**].

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Stoppani in AAPA in view of Wells, because it ensures that sufficient available space is present on storage device to store additional files **[Column 6, Lines 44 – 47]** and it provides a method for Wells to perform the searching and determining of a valid block.

With regard to **claim 2**, AAPA discloses storing data in clusters **[Specification, Page 2, Lines 1 – 13, This shows the memory of a block is divided into clusters]**.

Wells discloses data are written in unused memory in the valid block **[Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the process of storing data in a block that is valid because it has enough free memory to store the desired data]**.

With regard to **claim 3**, AAPA discloses a storage medium divided into blocks where the memory of the blocks is divided into clusters **[Specification, Page 2, Lines 1 – 13]**.

Wells discloses determining a valid block **[Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the process of storing data in a block that has enough memory before storing it in a block that does not have enough free memory]** and searching for a valid block **[Column 15, Lines 48 – 60, This shows searching for a block with enough free memory]**.

Stoppani discloses counting unused clusters **[Column 6, Lines 41 – 43]**, determining a valid block on the basis of the counting result **[Column 6, Lines 25 – 43, This shows each record contains count data and the record is used to find valid**

**areas in memory]**, generating and holding a valid free area list [**“free space table”**, **Column 6, Lines 25 – 28]** which is list information related to the valid block, and searching for a valid block by referring to the valid free area list at data recording process [**Column 6, Lines 25 – 43, This shows searching the table to find a valid location based on clusters to store data]**.

With regard to **claim 5**, AAPA teaches a block of storage is divided into smaller clusters [**Specification, Page 2, Lines 1 - 13]**.

Wells discloses the predetermined threshold number is a value at least one-half of the amount of memory in each block [**Column 15, Lines 48 – 60; Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the search and determination of free memory in a block is based on the amount of data that is to be written in the memory. At times the data to be written will be equal to the storage in at least one-half of the number of clusters in each block and at other times it will be less than one-half of the number of clusters in each block. There is no limitation that the predetermined number is always a value at least one-half of the number of clusters included in each block]**.

Stoppani discloses deciding memory space based on a number of unused clusters [**Column 6, Lines 25 – 43]**.

With regard to **claim 6**, AAPA teaches a data processing apparatus [**Specification, Pages 1 – 2, The Applicant discloses writing data to a memory device which implies there is an data processing apparatus]** for writing or reading

data **[Specification, Page 1, Lines 15 – 17]** to or from an information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]**, wherein

a recording area of the information recording medium **[Specification, Page 1, Line 33; Specification, Page 2, Line 2]** is managed in units of blocks **[Specification, Page 2, Lines 8 – 9]**, each block **[Specification, Page 2, Lines 8 – 9]** includes at least two clusters **[Specification, Page 2, Lines 14 – 18, This shows the blocks memory is divided into a number of clusters that are between 1 - N where N is an integer. The limitation of two clusters is included in the range of 1 - N clusters since two is an integer]**, and the clusters are units for storing data for a file system **[Specification, Page 2, Lines 14 – 18]**;

the data processing apparatus **[Specification, Pages 1 – 2, The Applicant discloses writing data to a memory device which implies there is an apparatus to perform the writing]** comprises:

an I/O processor that processes input and output of information for the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25, It is implied there is an I/O processor associated with the information recording medium in order to save to and read from the information recording medium];**

a file system controller **[Specification, Page 2, Lines 1 – 7]** that manages data stored in the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]**, as a file;

a data processor that controls writing and reading of data to and from the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25, It is**



**implied there is a data processor associated with the information recording medium in order to save to and read from the information recording medium];**

a valid free area manager that manages, by units of blocks, information for the blocks **[Specification, Page 2, Lines 1 – 13, This shows the access units of the file system are the same as blocks]**.

However, AAPA does not specifically disclose the limitation of a valid free area manager that manages information for the blocks containing at least a predetermined threshold number of unused clusters in an area of the information recording medium and when necessary to record data to a new free area, the data processor, as a control, searches for a valid block from the managed blocks with reference to the information held in the valid free area manager, and writes data to the searched valid block prior to writing data to another one of the managed blocks and acquiring information about the predetermined threshold number from the information recording medium memory.

Wells discloses a when necessary to record data to a new free area, the data processor, as a control, searches for a valid block from the managed blocks and writes data to the searched valid block prior to writing data to another one of the managed blocks **[Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows when data is recorded to a free area the blocks in the memory are first searched and then the information about the searched blocks is analyzed to determine if there is a block to store the data. A valid block is a block with enough free memory to store the data. If one of the blocks is a valid block the data is written into the valid**

**block. If none of the blocks are a valid block an erase operation is performed to empty a block and then the data is written into the previously invalid block].**

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Wells in AAPA, because it increases data coherency **[Column 35, Lines 60 - 67; Column 36, Lines 1 - 4].**

However, AAPA in view of Wells does not specifically disclose the limitation of valid free area manager that manages information for the memory containing at least a predetermined threshold number of unused clusters and using the information in the valid free area manager when writing data to memory and acquiring information about the predetermined threshold number from the information recording medium memory.

Stoppani discloses valid free area manager **[“free space table”, Column 6, Lines 25 – 28]** that manages information for the memory containing at least a predetermined threshold number of unused clusters **[Column 6, Lines 25 – 43]** and using the information in the valid free area manager **[“free space table”, Column 6, Lines 25 – 28]** when writing data to memory **[Column 6, Lines 44 – 47]** and acquiring information about the predetermined threshold number from the information recording medium memory **[Column 6, Lines 25 – 43, The information about the predetermined threshold number is the information that indicates the predetermined threshold number of unused clusters is free in the memory and this is acquired from the memory with the use of a count indicating how many unused clusters there is].**

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Stoppani in AAPA in view of Wells, because it ensures that sufficient available space is present on storage device to store additional files **[Column 6, Lines 44 – 47]** and it provides a method for Wells to perform the searching and determining of a valid block.

With regard to **claim 7**, AAPA teaches memory is divided into blocks and then subdivided into smaller clusters **[Specification, Page 2, Lines 14 – 18, This shows the blocks memory is divided into a number of clusters]**.

Stoppani discloses the valid free area manager **[“free space table”, Column 6, Lines 25 – 28]** holds a valid free list which is list information **[Column 6, Lines 25 - 31]** related to the valid block which is one of the blocks including at least the predetermined threshold number or unused clusters **[Column 6, Lines 25 – 43, This shows the linked list contains which clusters are free and which are not in the blocks of AAPA]**.

With regard to **claim 9**, AAPA teaches a block of storage is divided into smaller clusters **[Specification, Page 2, Lines 1 - 13]**.

Wells discloses the predetermined threshold number is a value at least one-half of the amount of memory in each block **[Column 15, Lines 48 – 60; Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the search and determination of free memory in a block is based on the amount of data that is to be written in the memory. At times the data to be written will be equal to the storage in at least one-half of the number of clusters in each block and at other times it will be less**

**then one-half of the number of clusters in each block. There is no limitation that the predetermined number is always a value at least one-half of the number of clusters included in each block].**

Stoppani discloses deciding memory space based on a number of unused clusters [Column 6, Lines 25 – 43].

***Response to Amendment/Arguments***

4. Applicant's arguments filed 07/01/2009 have been fully considered but they are not persuasive.

The Applicant argues on page 8 lines 4 – 6 and 8 – 11 that AAPA in view of Wells in view of Stoppani fails to disclose or suggest information about the predetermined threshold value, which is used to determine the valid block, is acquired from the information recording medium and that this means an optimum threshold value suitable for a particular recording medium can be obtained. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., information about the predetermined threshold value, which is used to determine the valid block, is acquired from the information recording medium) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). There is no limitation in the claims as to what the information acquired is or how it is used other than that it is about the predetermined

threshold number and that it is acquired from the information recording medium. The count or flag is information about the predetermined threshold number since they both indicate of the predetermined threshold value is present in the memory.

***Direction of Future Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER D. BIRKHIMER whose telephone number is (571)270-1178. The examiner can normally be reached on M-H 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher D Birkhimer  
Examiner  
Art Unit 2186

/Matt Kim/  
Supervisory Patent Examiner, Art  
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